

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Engineering and Construction Management

**AGENDA DATE:** August 28, 2012

**CONTACT PERSON NAME AND PHONE NUMBER:** R. Alan Shubert, P.E., City Engineer (X4423)

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

That the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Walter P. Moore and Associates, Inc., a Texas Corporation, for a project known as "Communications Engineering On-Call Consulting Services", increasing the term of the Agreement from one year to two years and increasing the amount of the Agreement from \$250,000.00 to \$500,000.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

**BACKGROUND / DISCUSSION:**

The added capacity is required for the IT department in the implementation of the IT Capital Program. Services range from VoIP, Fiber, systems engineering, etc. This is an on-call contract and each task will be negotiated individually.

Walter P. Moore and Associates was selected through the City's AE Selection Policy, which is qualifications based.

**PRIOR COUNCIL ACTION:**

Original agreement approved by City Council July 24, 2012.

**AMOUNT AND SOURCE OF FUNDING:**

Various funding sources from capital projects.

**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)  
Information copy to appropriate Deputy City Manager

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Walter P. Moore and Associates, Inc., a Texas Corporation, for a project known as "Communications Engineering On-Call Consulting Services", increasing the term of the Agreement from one year to two years and increasing the amount of the Agreement from \$250,000.00 to \$500,000.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

CITY OF EL PASO:

\_\_\_\_\_  
John F. Cook,  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen,  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT

\_\_\_\_\_  
for R. Alan Shubert, P.E.  
City Engineer

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

**FIRST AMENDMENT  
AGREEMENT  
FOR PROFESSIONAL SERVICES**

This Amendment to that certain Agreement for Professional Services is made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of El Paso, a Texas municipal corporation (the "**Owner**"), and Walter P. Moore and Associates Inc., (the "**Consultant**").

**WHEREAS**, on July 24, 2012, Owner entered into a one year agreement for professional services with Consultant for a project known as "**COMMUNICATIONS ENGINEERING ON-CALL CONSULTING SERVICES**" (the "**Project**") for an amount not to exceed \$250,000.00; and

**WHEREAS**, the Agreement may be amended under the provisions of Section 3.2 and Attachment "C"; and

**WHEREAS**, the parties hereto desire to amend the Agreement to increase the term of the Agreement from one (1) year to two (2) years and to increase the amount of the Agreement from Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) to Five Hundred Thousand and No/100 Dollars (\$500,000.00).

**NOW THEREFORE**, in consideration of the mutual promises set forth in this Amendment and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **3.1 PAYMENT TO CONSULTANT**, shall be amended to read as follows:

**3.1 PAYMENT TO CONSULTANT.** The Owner shall pay to the Consultant an amount not to exceed **FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$500,000.00)** for all basic services and reimbursables performed pursuant to this Agreement. The Consultant's fee proposal for the performance of all Basic Services and reimbursables is attached hereto as **Attachment "B"**. Payment to the Consultant shall be made pursuant to the schedule enumerated within **Attachment "D"**.

2. **4.1 PERIOD OF SERVICE**, shall be amended to read as follows:

**4.1 PERIOD OF SERVICE.** The services called for by this Agreement shall begin upon the issuance of Notices to Proceed from the City Engineer. The Consultant shall complete the requested services in accordance with the timelines and schedules outlined in each Notice to Proceed. The term of this Agreement shall be for a period not to exceed two (2) years.

3. All other terms and conditions of the Agreement and all previous Amendments thereto, except as herein revised, shall remain in full force and effect.

**WITNESS THE FOLLOWING SIGNATURES AND SEALS:**

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joyce Wilson  
City Manager

**CONSULTANT**

By: Lourdes Cardenas  
By: Lourdes Cardenas, P.E.  
Title: Senior Associate

**APPROVED AS TO FORM:**

Cynthia Osborn  
Cynthia Osborn  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

R. Alan Shubert, P.E.  
R. Alan Shubert, P.E.  
City Engineer

**(Acknowledgements being on following page)**

## ACKNOWLEDGEMENTS

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2012,  
by Joyce A. Wilson, as City Manager of the City of El Paso, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires:

\_\_\_\_\_  
THE STATE OF TEXAS §  
§  
COUNTY OF EL PASO §

This instrument was acknowledged before me on this 15<sup>th</sup> day of August, 2012,  
by, Lourdes Cardenas, P.E. as Senior Associate of Walter P. Moore and Associates, Inc.

Maria T. Chacon  
Notary Public, State of Texas

My commission expires:

8-31-15

